

# Notice of Allowability

Application No.

09/547,474

Examiner

Son P. Huynh

Applicant(s)

SANDERS, MARK

Art Unit

2623

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 04/03/2007.
2. ☒ The allowed claim(s) is/are 1-2, 4-5, 9-17, 19-34, 36-37, 40-50, 54-57, 59-61, 63, 66-87 that have been renumbered as 1-72.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

## DETAILED ACTION

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with attorney Todd A. Gerety (Reg. No. 51,729) on June 6, 2007.

2. The application has been amended as follows:

In claim 2:

line 2, the limitation "missing portion" has been replaced as – **one or more asset elements** –

In claim 26:

line 15 and line 18, the limitation "viewing asset" has been replaced as – **viewing assets** –

line 20, the limitation "the selected viewing asset" has been replaced as – **a selected viewing asset—**

line 21, the limitation "a selected viewing asset" has been replaced as –  
**the selected viewing asset—**

line 22, the limitation "the sum of retention value" has been replaced as –  
**the sum of retention values—**

lines 25-29, the limitation "the selected element deletion list exceeds the retention value associated with replicas of viewing assets stored on the target video server, the set of asset elements identified by the selected element deletion list occupying enough space to store the selected viewing asset" has been replaced as –  
**the selected viewing asset exceeds the sum of retention values associated with the one or more element deletion lists –**

In claim 56:

line 12 and line 15, the limitation "target video server" has been replaced  
as – **target device --**

In claim 66:

lines 1-3, the limitation "wherein the portion of a replica of one or more viewing assets includes replicas of asset elements belonging to the one or more element deletion lists" has been replaced as – **wherein each asset replica stored on the target device comprises a set of asset element replicas belonging to at least one element deletion list –**

In claim 69:

line 1, the limitation "the process of claim 58" has been replaced as – **the process of claim 56 –**

***Allowable Subject Matter***

3. Claims 1-2, 4-5, 9-17, 19-34, 36-37, 40-50, 54-57, 59-61, 63, 66-87 are allowed in view of amendments to the claims filed April 3, 2007 and applicant's arguments are persuasive.

4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P. Huynh whose telephone number is 571-272-7295. The examiner can normally be reached on 9:00 - 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Son P. Huynh

June 6, 2007



SCOTT E. BELIVEAU  
PRIMARY PATENT EXAMINER